

DRAFT 2/26/2009

## IOWAccess Advisory Council By-laws

### ARTICLE 1. NAME

The name of this body shall be the IOWAccess Advisory Council, hereafter referred to as the IAC.

### ARTICLE 2. PURPOSE

Section 1. The IAC was established by the [Code of Iowa, §8A.221](#).

Section 2. The IAC acts as an advisory council to create and provide a service to citizens of the state that will serve as a gateway for one-stop electronic access to governmental information, transactions at state, county, or local levels. In this role, the Council accepts and reviews proposals for funding of electronic projects that benefit the citizens they serve.

Section 3. With regard to duties, the IAC shall:

- 1) Review rates to be charged for access to, value-added services performed through IOWAccess pursuant to Iowa Code §8A.221(2)(a)(1) and forward such recommendations to the Technology Governance Board for their action.
- 2) Using Concept Paper or Return on Investment submissions by applicable proposing sponsors and ranking tools incorporated in the IAC Return on Investment analysis tools, provide periodic prioritized recommendations to the Director, Department of Administrative Services, as to the appropriateness of proposals for information technology projects that primarily benefit the citizens of Iowa by providing information and services normally achieved through more burdensome means.
  - a) As the IOWAccess Advisory Council seeks to provide the highest benefit to its citizen audience, the Council supports projects with the widest range of use across numerous governmental entities. To that end, proposals for information technology projects will be classified into two categories, Enterprise and Agency-Specific:
    1. 50% of available IOWAccess funding shall be reserved for Enterprise project proposals, which will be considered before Agency-Specific proposals. Enterprise projects are those that can be readily shared with more than one governmental entity, i.e., portable, with few license or platform restrictions..
    2. The balance of available IOWAccess funding shall be available for either Enterprise project proposals or for Agency-Specific proposals. Agency-Specific proposals are information technology projects in which the resulting software is either incompatible with existing software used at other agencies, or so particular to an agency that its portability to another agency would be inadvisable, impractical, or inefficient, as deemed by the Council.
- 3) Verify that all of the following conditions are met:
  - a) The proposed project provides a benefit to the state.
  - b) The proposed project, once completed, can be shared with and used by other political subdivisions or the state, as appropriate.
  - c) The state retains ownership of any final product or is granted a permanent license to the use of the product.

- 4) Review, and recommend to the Director, the IOWAccess total budget request and ensure that such request reflects the priorities and goals of IOWAccess as established by the advisory council.
- 5) Recommend to the Director expected outcomes and effects of the use of IOWAccess and determine the manner in which such outcomes are to be measured and evaluated.
- 6) Review and recommend to the Director all rules to be adopted by the Department that are related to IOWAccess.
- 7) Advocate for access to government information and services through IOWAccess and for data privacy protection, information ethics, accuracy, and security in IOWAccess programs and services.
- 8) Receive status and operations reports associated with IOWAccess.
- 9) Advise the Director with respect to the operation of IOWAccess and encourage and implement access to government and its public records by the citizens of this state.
- 10) Serve as a link between the users of public records, the lawful custodians of such public records, and the citizens of this state who are the owners of such public records.
- 11) Ensure that IOWAccess gives priority to serving the needs of the citizens of this state.
- 12) Develop a plan and process to make recommendations to DAS for improvements to information technology projects, and to maximize the value of information technology investments by the state.
- 13) Make recommendations to DAS regarding technology utility services to be implemented by DAS or other agencies.
- 14) Work with the Department Finance office to maintain the relevancy of the central budget, proprietary control accounts, and reimbursement funds to information technology.
- 15) Annually prepare a report to the Governor, the Department of Management, and the General Assembly regarding the total spending on technology for the previous fiscal year, the total amount obligated for the current fiscal year, an estimate of the amount to be requested for the succeeding fiscal year for all agencies.
- 16) Advise DAS leadership on related issues as requested.
- 17) Other duties as assigned by the Director.

### **ARTICLE 3. GUIDING PRINCIPLES**

#### Section 1. The IAC members will:

- 1) Conduct themselves as professionals;
- 2) Treat each other respectfully;
- 3) Work to develop mutual trust;
- 4) Practice active listening;
- 5) Openly share opinions and expertise;

- 6) Work for the common good of the State of Iowa;
- 7) Strive for quality decisions within timeframes provided;
- 8) Consider the needs of the customer first ; and
- 9) Evaluate the Council's effectiveness

#### **ARTICLE 4. MEMBERSHIP**

Section 1. The IAC is composed of 14 members as follows:

- 1) Five representatives of the primary customers of IOWAAccess, appointed by the Governor,
- 2) Five representative of lawful custodians:
  - a) One representative from the Judicial Branch, designated by the Chief Justice of the Supreme Court,
  - b) One representative from the Executive Branch, designated by the Governor,
  - c) One representative of the Iowa cities appointed, by the Governor.
  - d) One representative of the Iowa counties, appointed by the Governor,
  - e) One representative of the Federal government, appointed by the Governor,
- 3) Four representatives of citizens, appointed by the Governor.

Section 2. Terms of members shall be as follows:

- 1) Members appointed by the Governor pursuant to Section 1 shall serve four-year terms.
- 2) The terms of the public members shall be staggered at the designation of the Governor.

Section 3. Members appointed by the Governor shall be reimbursed for actual and necessary expenses incurred in performance of the members' duties.

Section 4. Substitutes for absent members will not be allowed. Members may attend by telephone or other electronic means.

Section 6. Members can participate in voting if they are present at the meeting or attending the meeting by phone or by other electronic means.

Section 7. Each member is expected to attend and actively participate in meetings:

- 1) Iowa Code §69.15 Board members - nonattendance - vacancy. Any person who has been appointed by the governor to any board under the laws of this state shall be deemed to have submitted a resignation from such office if either of the following events occurs:
- 2) The person does not attend three or more consecutive regular meetings of such board. This paragraph does not apply unless the first and last of the consecutive meetings counted for this purpose are at least thirty days apart.

- 3) The person attends less than one-half of the regular meetings of such board within any period of twelve calendar months beginning on July 1 or January 1. This paragraph does not apply unless such board holds at least four regular meetings during such period. This paragraph applies only to such a period beginning on or after the date when the person takes office as a member of such board.
- 4) If such person received no notice and had no knowledge of a regular meeting and gives the governor a sworn statement to that effect within ten days after the person learns of the meeting, such meeting shall not be counted for the purposes of this section.
- 5) The governor in the governor's discretion may accept or reject such resignation. If the governor accepts it, the governor shall notify such person, in writing, that the resignation is accepted pursuant to this section. The governor shall then make another appointment to such office. Such appointment shall be made in the same manner and for the same term as in the case of other vacancies caused by resignation from such office.
- 6) As used in this section, "board" includes any commission, committee, agency, or governmental body which has three or more members.

Section 8. The DAS Information Technology Enterprise shall provide a staff person to take notes at the meetings and produce minutes that will be distributed to all members.

#### **ARTICLE 5. OFFICERS AND STAFF**

Section 1. The IAC annually shall elect a chair and vice chair from among the members of the council, by majority vote, to serve one-year terms.

#### **ARTICLE 6. DUTIES OF OFFICERS**

Section 1. The chairperson shall preside at all meetings of the IAC.

Section 2. The vice chairperson will assist the chairperson in the discharge of the chairperson's duties as requested and, in the absence or inability of the chairperson to act, shall perform the chairperson's duties.

#### **ARTICLE 7. COMMITTEES**

Section 1. Chair may authorize or dissolve committees as needed to complete the charter of the IAC.

Section 2. Individuals who are members of the IAC and individuals who are not members of IAC may be appointed by the chairperson to serve on committees.

Section 3. Committees shall organize themselves to be effective.

Section 4. Committees shall provide feedback to the chairperson and the IAC at the Council's request.

Section 5. Committees shall meet, discuss, study and/or resolve assigned issues as needed.

#### **ARTICLE 8. MEETINGS**

Section 1. Meetings of the council shall normally be held no less than semi-monthly, unless the chairperson determines less frequent hearings are merited for financial or other compelling reasons.

Section 2. Agenda items shall be solicited from the members in advance of an upcoming meeting.

Section 3. An agenda, including those items requiring action, shall be provided five (5) business days prior to the meeting to council members. The agenda should also include any information necessary for discussion at the upcoming meeting.

Section 4. A simple majority of the members of the council, including vacant positions, shall constitute a quorum.

Section 5. All IAC meetings are open to the public as defined in Chapter 21 of the Iowa Code.

## **ARTICLE 9. VOTING**

Section 1. Each member has one vote. A quorum, as defined in Article 8, is required to vote on a matter and a majority vote of the quorum shall determine the outcome of the issue being voted upon.

Section 2. IAC bylaws may only be amended by a majority vote of all members.

## **ARTICLE 10. ADMINISTRATION**

Section 1. The IOWAccess Manager, with the assistance of Information Technology Enterprise staff and others as deemed necessary, shall keep the official, current and complete books and records of the decisions, members, actions, meeting minutes, and obligations of the IAC.

Section 2. The IOWAccess Manager shall coordinate meeting notices and locations, and shall keep a record of names and addresses, including E-mail addresses, of the members of the IAC.

Section 3. Any member of the IAC may inspect all books and records for good purposes at a reasonable time and location.

## **ARTICLE 11. ACCOUNTS**

Section 1. The IOWAccess Manager shall maintain and regularly update a tracking of charges to project accounts and remaining balances of each account, plus an analysis of obligations and unobligated funds available. This analysis may include projections of spending, costs, and obligations for future periods.

Section 2. Dormant IOWAccess Projects

- 1) IOWAccess projects that have not made requests for reimbursement of funds for at least 120 days may be closed by:
  1. Notifying the sponsoring agency of intent to close the account,
  2. Receiving concurrence from an agency representative empowered to provide the agency position on the intent to close the account,
  3. Authorizing DAS Finance to close the account and remit any balance back to the IOWAccess Revolving Fund.
- 2) IOWAccess projects that have not made requests for reimbursement of funds and have not provided status reports for at least 180 days may be closed by:
  1. Notifying the sponsoring agency of intent to close the account,
  2. Receiving concurrence from an agency representative empowered to provide the agency position on the intent to close the account, or

3. A vote to close the account by the Council if the sponsoring agency fails to reply,
4. Authorizing DAS Finance to close the account and remit any balance back to the IOWAccess Revolving Fund.

## **ARTICLE 12. PARLIAMENTARY PROCEDURE**

Section 1. Meetings should be conducted using Robert's Rules of Order (Revised).

Section 2. The chairperson may elect to use the vice chairperson as parliamentarian.